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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/898,944	MITEV, MITKO G.
	Examiner	Art Unit
	Hargobind S. Sawhney	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 January 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-31 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. The amendment filed on January 26, 2005 has been entered. Accordingly, Claim 13 has been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Till (US Patent No.: 6,435,690 B1).

Till ('690 B1) discloses a portable computer 10 (Figure 1) comprising:

- a housing 30g (Figure 13, column 6, line 65) supporting a power source 175 (Figure 13, column 7, lines 1 and 2); and
- a plurality of light emitting elements 15 (Figure 13, column 6, lines 65 and 66) connected to the power source 175, and the light-emitting elements 15 configured to emit light responsive to the computer 10.

Art Unit: 2875

4. Claims 23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated over Wattenburg (US Patent No.: 6,145,992).

Regarding claims 23 and 26, Wattenburg ('992) discloses a portable computer 11 (Figures 1-3) comprising:

- a reflecting safety structure 26 attached to a housing 17 –the combination including elements 17, 19 and 26 (Figures 1-3, column 3, lines 5-24)- promoting the safety of an individual carrying the computer; and
- a reflecting surface 31 adhered to element 32 – one of the elements of a housing 17 –the combination including elements 17, 19 and 26 (Figures 1-3, column 2, lines 63-66 and column 3, lines 5-24)- promoting the safety of an individual carrying the computer.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song (US Patent No.: 5,682,993) in view of Lumley (US Patent No.: 6,499,857 B1).

Regarding Claim 1, Song ('993) discloses a safety device (Figure 1, column 2, line 46) comprising:

- a housing 20' – combination of the computer housing 20 and the case including elements 12-16 - that can be opened for accessing a portable computer 20, and closed for transporting the computer (Figures 1 and 5, column 2, lines 45-56).

However, Song ('993) does not teach the housing 20' bearing at least one light-emitting device.

On the other hand, Lumley ('857 B1) discloses a lighted housing 21 comprising a plurality of light emitting elements 22 positioned on the housing 21 (Figure 3, column 2, lines 28, 47-51).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for portable computer of Song ('993) by providing light emitting elements and positioning them on the housing as taught by Lumley ('857 B1) for benefit and advantage of eye-catching appearance illuminating the article in dark.

Regarding Claim 2, Song ('993) in view of Lumley ('857 B1) discloses the housing additionally including:

- side surfaces extending perpendicular to a bottom surface, and to the top surface (Song, Figure 1 and 5, column 2, lines 45-49); and
- the light emitting element 22 positioned on a surface of the housing 21 (Lumley, Figure 3, column 2, lines 47-51); and
- a controller 25 selectively enabling and disabling the at least one light emitting element (Lumley, Figure 3, column 2, lines 50-52)

Regarding claims 3 and 4, Song ('993) in view of Lumley ('857 B1) teaches the housing having a plurality of light emitting elements positioned on its one surface only. However, Song ('993) in view of Lumley ('857 B1) does not teach the housing having a plurality of light emitting elements positioned on its all external surfaces as claimed by the applicant.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the housing for a portable computer of Song ('993) in view of Lumley ('857 B1) by providing a plurality of light emitting elements on all surfaces, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Regarding Claim 5, Song ('993) in view of Lumley ('857 B1) does not specifically teach the housing including a plurality of light emitting elements configured to blink.

On the other hand, Song ('993) in view of Lumley ('857 B1) teaches an embodiment, other than the one teaching a housing for a portable computer, including a plurality of light emitting elements configured to blink in a pre-determined pattern (Lumley, Figures 1 and 2, column 2, lines 43-46).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for portable computer of Song ('993) in view by providing blinking light emitting elements as taught by Lumley ('857 B1) for benefit and advantage of eye-catching appearance illuminating the article in dark.

Regarding claims 6 and 7, Song ('993) in view of Lumley ('857 B1) does not specifically teaches the light emitting elements being either incandescent light emitting diodes (LEDs).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to provide the housing for portable computer of Song ('993) in view Lumley ('857 B1) by having:

- a plurality of light emitting elements each being an incandescent light well known in the art, as evidenced by Wood et al. (US Patent No.: 6,076,937) for the benefits of using conventional lights for reliable availability of replacements and less parts for the device; and
- a plurality of light emitting elements each being an LED well known in the art, as evidenced by French (US Patent No.: 5,760,690) for the benefits of compactness, high energy efficiency and long operational life.

Regarding claims 8 and 9, Song ('993) in view of Lumley ('857 B1) meets all limitations, except the following, in the similar manner as that indicated above for the rejection of Claim 1. In addition, Song ('993) in view of Lumley ('857 B1) teaches the housing, for a portable computer, comprising:

- a controller 18 coupled to the plurality of light emitting elements 3, and selectively enabling and disenabling the plurality of light emitting elements 3 (Lumley, Figures 2 and 5, column 2, lines 43-46;
- a user-activated switch 25 (Lumley, Figure 3, column 2, lines 50 and 51);

Regarding Claim 10, Song ('993) in view of Lumley ('857 B1) does not specifically teach the housing including a user-activatable timer-switch for actuation of a plurality of light emitting elements.

On the other hand, Song ('993) in view of Lumley ('857 B1) teaches another embodiment, other than the one teaching a housing for a portable computer, including a user-activatable timer-switch (Lumley, Figures 1 and 2, column 2, lines 11-13 and 44-47).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for portable computer of Song ('993) in view by providing User- activatable timer-switch as taught by Lumley ('857 B1) for benefit and advantage of intermittent on/off cycling of the light emitting elements for a pre-determined period.

Regarding Claim 14, Song ('993) in view of Lumley ('857 B1) does not specifically teaches the light emitting elements being light emitting diodes (LEDs).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to provide the housing for portable computer of Song ('993) in view Lumley ('857 B1) by having a plurality of light emitting elements each being an LED well known in the art, as evidenced by French (US Patent No.: 5,760,690) for the benefits of compactness, high energy efficiency and long operational life.

7. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song (US Patent No.: 5,682,993) in view of Lumley (US Patent No.: 6,499,857 B1) as

applied to claim 8 above, and further in view of Rudenberg (US Patent No.: 6,443,604 B1).

Regarding claims 11-13, Song ('993) in view of Lumley ('857 B1) discloses a safety device including at least one light-emitting element being activated or deactivated with a controller – switch -. However neither combined not individual teaching of Song ('993) and Lumley ('857 B1) discloses a safety device comprising a controller including either one or both motion sensor switch and light sensor switch.

On the other hand, Rudenberg ('604 B1) discloses a portable lighting device 110 comprising a controller 212 with motion control switch or light control switch (Figure 2B, column 8, lines 21-28 and 38-42).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for portable computer of Song ('993) in view of Lumley ('857 B1) by providing the controller with a motion sensor switch or/and light sensor switch as taught by Rudenberg ('604 B1) for benefit and advantage of on/off cycling of the light emitting elements based on detection of motion and reduced ambient light conditions.

8. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song (US Patent No.: 5,682,993) in view of Lumley (US Patent No.: 6,499,857 B1) as applied to claim 8 above, and further in view of Endo et al. (US Patent No.: 5,434,759).

Regarding Claim 15, neither combined nor individual teaching of Song ('993) and Lumley ('857 B1) discloses a safety device comprising a housing with at least one reflective surface, and at least one light emitting device positioned on the housing.

On the other hand, Endo et al. ('759) discloses a portable safety indicating device 10 (Figure 9) comprising;

a plurality of light emitting device 9 positioned in a housing 1 having reflective surfaces 22 (Figure 9, column 5, lines 37-46).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for portable computer of Song ('993) in view by providing the reflective surfaces on the housing as taught by Endo et al. ('759) for the benefits and advantages of improving visibility and light reflection efficiency.

Regarding Claim 16, Song ('993) in view Lumley ('857 B1) and further in view of Endo et al. ('759) discloses a portable safety-indicating device comprising a housing having reflective surfaces. However, neither combined nor individual teaching of Song ('993), Lumley ('857 B1) and Endo et al. ('759) teaches the reflective surfaces being specular.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to make the finish of the reflective surfaces specular, since it has been held to be within the general skill of the worker in the art to select a surface finish on the basis of its suitability for the intended use for further improvement of light reflection efficiency.

9. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Till (US Patent No.: 6,435,690 B1).

Regarding Claim 18, Till ('690 B1) discloses a portable computer comprising a plurality of light sources positioned on the housing. However, Till ('690 B1) does not specifically teach the housing having at least one reflective structure. On the other hand, Till ('690 B1) teaches another embodiment 30 (Figure 4) including reflective structures 50r (Figure 4, column 5, lines 62-66).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the light emitting device of Till ('690 B1) by providing reflective structures as taught by Till ('690 B1) in another embodiment disclosed, for the benefits of improving light reflection efficiency.

Regarding Claims 19-21, Till ('690 B1) discloses a portable computer comprising a plurality of light sources positioned on the housing. However, Till ('690 B1) does not specifically teach the plurality of light emitting elements being visible from multiple directions including from front, rear and side positions.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the light emitting device of Till ('690 B1) by relocating the plurality of light emitting elements on the housing for the benefits of improving viewability of the device, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Regarding Claim 22, Till ('960 B1) the portable computer further comprising the multiple light emitting elements 15 being configured for blinking (Figure 13, Claim 8).

10. Claims 24, 25 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wattenburg (US Patent No.: 6,145,992)

Regarding claims 24 and 25, each dependent on Claim 23; and Claim 27 dependent on Claim 26, Wattenburg ('992) discloses a portable computer comprising:

- a reflecting safety structure attached to a housing. However, Wattenburg ('992) does not teach the reflecting safety structure including at least one specular or discrete- patterned reflecting structure.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to make the finish of the reflective surfaces specular or discrete- patterned reflecting structure, since it has been held to be within the general skill of the worker in the art to select a surface finish on the basis of its suitability for the intended use for further improvement of light reflection efficiency.

Regarding Claims 28 and 29, Wattenburg ('992) discloses a portable computer comprising a reflecting safety structure 26 attached to a housing 17 –the combination including elements 17, 19 and 26 (Figures 1-3, column 3, lines 5-24).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to meet the method limitations of claims 28 and 29 by applying the teaching, as detailed above, of Wattenburg ('992).

Regarding claims 30 and 31, Wattenburg ('992) discloses a portable computer comprising a reflecting surface 31 adhered to element 32 – one of the elements of a housing 17 –the combination including elements 17, 19 and 26 (Figures 1-3, column 2, lines 63-66 and column 3, lines 5-24)- promoting the safety of an individual carrying the computer.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to meet the method limitations of claims 30 and 31 by applying the teaching, as detailed above, of Wattenburg ('992).

Response to Amendment

11. Applicant's arguments filed on January 26, 2005 with respect to the 35 U.S.C. 102(e) rejections of claims 17, 23 and 26, and 35 U.S.C. 103(a) rejection of claims 1-16, 18-22, 24, 25 and 27-31 have been fully considered but they are not persuasive.

Argument: Regarding claims 17-22, Till ('690 B1) neither teaches nor describes the limitation "configured to emit light responsive to the computer being carried".

Response: As detailed in the office action mailed on October 26, 2004, and in sections 3 and 9 of this office action, Till ('690 B1) meets all the structural / apparatus limitations of claims 17-22 (Section 3 detailed above). The limitation "configured to emit light responsive to the computer being carried" is considered as an intended use.

It has been held that a recitation with respect to the manner in which a claim apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation.

Argument: Regarding claims 23-31, Wattenburg ('992) neither teaches nor describes the limitation "a light reflecting structure attached to the housing and positioned to reflect light in a manner that promotes the safety of an individual carrying the computer".

Response: As detailed in the office action mailed on October 26, 2004, and in this office action, Wattenburg ('992) meets all the structural/apparatus limitations of claims 23-31 (Sections 4 and 10 detailed above). The limitation "... reflect light in a manner that promotes the safety of an individual carrying the computer" is considered as an intended use.

It has been held that a recitation with respect to the manner in which a claim apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation.

Argument: Regarding claims 1 and 8, song ('993) refers to element 10 for a cover of a computer, and not any other components of a computer neither teaches nor describes the limitation ".

Response: As detailed above in section 7, Figure 5 of Song ('993) clearly shows a computer housing 20 including a computer cover 10.

Argument: Regarding claims 1 and 8, Song ('993) in view of Lumey ('857 B1) fails to teach any motivation for light emitting device positioned on the housing of a portable computer.

Response: As detailed above in section 6, Figure 5 of Song ('993) clearly shows a computer housing 20' – combination of the computer housing 20 and the case including elements 12-16.

However, Song ('993) does not teach the housing 20' bearing at least one light-emitting device.

On the other hand, Lumley ('857 B1) discloses a lighted housing 21 comprising a plurality of light emitting elements 22 positioned on the housing 21 (Figure 3, column 2, lines 28, 47-51).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for portable computer of Song ('993) by providing light emitting elements and positioning them on the housing as taught by Lumley ('857 B1) for benefit and advantage of eye-catching appearance illuminating the article in dark.

The limitation "... reflect light in a manner that promotes the safety of an individual carrying the computer" is considered as an intended use.

It has been held that a recitation with respect to the manner in which a claim apparatus is intended to be employed does not

differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation.

Argument: Regarding claims 11-13, the examiner fails to show any motivation for combining teaching of Song ('993), Lumey ('857 B1) and Rudenberg ('604 B1).

Response: As detailed above in section 7, Regarding claims 11-13, Song ('993) in view of Lumley ('857 B1) discloses a safety device including at least one light emitting element being activated or deactivated with a controller – switch -. However neither combined not individual teaching of Song ('993) and Lumley ('857 B1) discloses a safety device comprising a controller including either one or both motion sensor switch and light sensor switch.

On the other hand, Rudenberg ('604 B1) discloses a portable lighting device 110 comprising a controller 212 with motion control switch or light control switch (Figure 2B, column 8, lines 21-28 and 38-42).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for portable computer of Song ('993) in view of Lumley ('857 B1) by providing the controller with a motion sensor switch or/and light sensor switch as taught by Rudenberg ('604 B1) for benefit and advantage of

on/off cycling of the light emitting elements based on detection of motion and reduced ambient light conditions.

The obviousness is what the combined teachings of those references would have suggested to those of ordinary skill in the art at the time of the invention.

Argument: Regarding Claims 14-16 are not taught by the art of record.

Response: As detailed above in section 6, regarding claim 14, Song ('993) modified with Lumley ('857 B1) discloses a safety device with a lighted housing 21 comprising a plurality of light emitting elements 22 positioned on the housing 21 (Lumley, Figure 3, column 2, lines 28, 47-51).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for portable computer of Song ('993) by providing light emitting elements and positioning them on the housing as taught by Lumley ('857 B1) for benefit and advantage of eye-catching appearance illuminating the article in dark.

However, Song ('993) in view of Lumley ('857 B1) does not specifically teaches the light emitting elements being light emitting diodes (LEDs).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to provide the housing for portable

computer of Song ('993) in view Lumley ('857 B1) by having a plurality of light emitting elements each being an LED well known in the art, as evidenced by French (US Patent No.: 5,760,690) for the benefits of compactness, high energy efficiency and long operational life.

Regarding Claims 15 and 16, Song (US Patent No.: 5,682,993) in view of Lumley (US Patent No.: 6,499,857 B1) and Endo et al. (US Patent No.: 5,434,759) meets the limitations of the claims. Refer to section 8 of this office action.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
3/29/2005


Stephen Husar
Primary Examiner